

**IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ALABAMA
NORTHERN DIVISION**

IN RE:)	
)	
Eddie Foy,)	CASE NO.10-82323-JAC7
SSN: xxx-xx-3813)	
)	
Debtor(s).)	CHAPTER 7

**MOTION TO DISMISS CASE DUE TO DEBTOR HAVING RECEIVED A
DISCHARGE IN A PRIOR CASE COMMENCED WITHIN EIGHT YEARS**

COMES NOW the United States Bankruptcy Administrator for the Northern District of Alabama (hereinafter BA), by and through the undersigned counsel of record, and hereby moves this Honorable Court to dismiss the above-styled bankruptcy case and as grounds shows as follows:

1. The Debtor(s) commenced the above-styled bankruptcy case by filing a Chapter 7 petition on June 7, 2010. A review of the petition indicates that no funds will be available for distribution to unsecured creditors.
2. A review of the Bankruptcy Court files in the Middle District of Pennsylvania reveal that the Debtor(s) filed a previous case in that District on or about February 24, 2003, and received a discharge under Chapter 7 in Case No. 03-50776-JJT.
3. Pursuant to 11 U.S.C. §727(a)(8), the Debtor is not eligible to receive a discharge in this case due to the fact that he has been granted a discharge in a previous Chapter 7 case commenced within eight years before the date of the filing of the present petition. As the present case appears to have no assets available to distribute to creditors, no purpose would be served by allowing this case to continue under chapter 7.

WHEREFORE, based upon the forgoing grounds, the Bankruptcy Administrator respectfully moves this Honorable Court to dismiss the above entitled case, and for such further relief to which he may be entitled the premises considered.

Respectfully submitted June 10, 2010.

/s/ Richard M. Blythe
Richard M. Blythe
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CERTIFICATE OF SERVICE

I hereby certify that on June 10, 2010, I have served a copy of the foregoing on the parties listed below by depositing the same in the United States Mail, postage prepaid and properly addressed, or if the party being served is a registered participant in the CM/ECF System for the United States Bankruptcy Court for the Northern District of Alabama, service has been made by a "Notice of Electronic Filing" pursuant to FRBP 9036 in accordance with subparagraph II.B.4. of the Court's Administrative Procedures.

Judith Thompson
Chapter 7 Trustee
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Eddie Foy
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/s/ Richard M. Blythe
Richard M. Blythe
Assistant U.S. Bankruptcy Administrator